



Planning and Land Use Committee Report For the Meeting of April 16, 2015

To: Planning and Land Use Committee **Date:** April 1, 2015
From: Leanne Taylor, Planner, Development Services Division
Subject: Development Variance Permit Application #00147 for 1435 Brooke Street

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment, Council consider the following motion:

"That Council authorize the issuance of Development Variance Permit #00147 for 1435 Brooke Street, in accordance with:

1. Plans date stamped March 3, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Schedule "C" Section 3 - Relaxation to permit one parking space to be located in the front yard.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department."

LEGISLATIVE AUTHORITY

In accordance with Section 922 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided that the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 1435 Brooke Street. The variance is related to the location of a parking space for the dwelling unit.

The following points were considered in assessing this Application:

- Schedule C of the *Zoning Regulation Bylaw* requires one parking space per dwelling unit to be located in a garage or in the side or rear yard of a lot.
- The applicant would like to enclose the existing garage and convert it into a recreation room. The variance is to allow a parking space in the front yard.

- Creating a parking space on the east side of the building behind the front wall is not a practical solution due to the width of the side yard and existing retaining wall.
- The front yard parking would provide the required off-street parking space for the dwelling unit.

BACKGROUND

Description of Proposal

The proposal is for a parking variance to allow a parking space in the front yard of a dwelling unit located at 1435 Brooke Street in order to facilitate the conversion of a garage into a recreation room. Specific details include:

- The front yard parking would provide the required off-street parking space for the dwelling unit.
- Creating a parking space on the east side of the building behind the front of the house is not a practical solution due to the width of the side yard and existing landscaping and retaining wall.
- The applicant stated that the garage has not been used for parking in the last several years and parking has already been accommodated on the driveway.
- The proposal is to replace the garage door with a traditional door and window, and extend the existing stucco around the new door and window to match the rest of the house.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this proposal.

Existing Site Development and Development Potential

The property is in the R1-B Zone, Single Family Dwelling District, and is occupied by a single family dwelling.

Data Table

The following data table compares the proposal with the existing R1-B Zone. An asterisk is used to identify where the proposal is less stringent than the existing Zone.

Zoning Criteria	Proposal	R1-B Zone Standard
Parking - minimum	1	1
Parking Location	Front yard*	Rear yard or side yard

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Variances Applications* on March 6, 2015, the Application was referred for a 30-day

comment period to the Fairfield Gonzales Neighbourhood CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This Application proposes a variance; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

There is adequate space in the driveway to accommodate one parking space for the existing dwelling unit. A vehicle would not encroach into the City's Right-of-Way. There is an existing cedar hedge on the neighbouring property (1439 Brooke Street) that would provide screening for the adjacent neighbours. The applicant is willing to work with the neighbours to maintain the cedar hedge in the future.

CONCLUSIONS

The parking space proposed in front of the dwelling unit provides a suitable alternative location for off-street parking and enables the owners to add a recreation room in the dwelling unit. The additional floor area would still comply with the regulations in the *Zoning Regulation Bylaw*.

As there are limited practical options for off-street parking on the subject parcel, this Application to use the existing driveway as a front yard parking space represents a supportable solution.

ALTERNATE MOTION

That Council decline Development Variance Permit Application #00147 for the property located at 1435 Brooke Street.

Respectfully submitted,



Leanne Taylor
Planner
Development Services Division



Alison Meyer, Assistant Director
Development Services Division
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager: _____



Jason Johnson

Date: _____

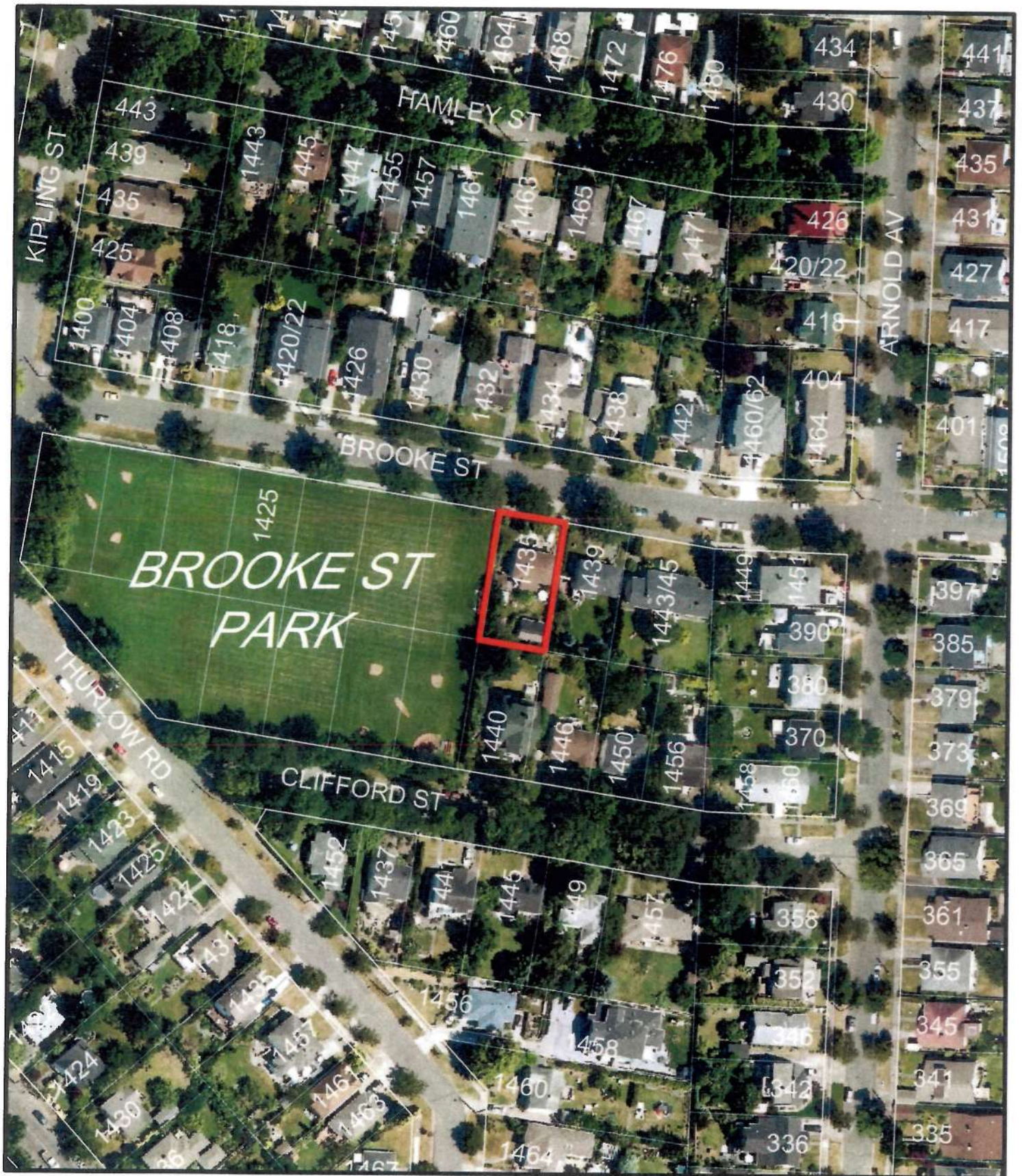
April 13, 2015

LT/ljm

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List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated March 13, 2015
- Two signed petitions from neighbours
- Plans dated March 3, 2015.



1435 Brooke Street
Development Variance Permit #00147



Mayor and Council
City of Victoria
Victoria, BC
1 Centennial Square
Victoria, BC V8W 1P6

February 15, 2015



Dear Mayor and Council:

RE: Request for Parking Variance: 1435 Brooke Street, Victoria

I, my husband, and my 14 year old son have lived at 1435 Brooke Street for almost 10 years. Our house is a traditional, small, 1950 stucco home – a design which is seen in a number of other houses in the Fairfield neighbourhood. The garage is located under the master bedroom as shown in Figure 1 below.

Figure 1: Garage Under Master Bedroom



It is our interest to close in the garage in order to convert it into a recreation room for our son and his friends. We are interested in replacing the existing garage door shown in Figure 2 with a traditional door and window, and extending the existing stucco around the new door/window to match the rest of the front of the house. This style replicates the style used on other houses in the neighbourhood, including that of our neighbour next door at 1439 Brooke Street, as shown in Figure 3.

Figure 2: Existing Garage Door



Figure 3: 1439 Brooke Street with Traditional Door/Windows

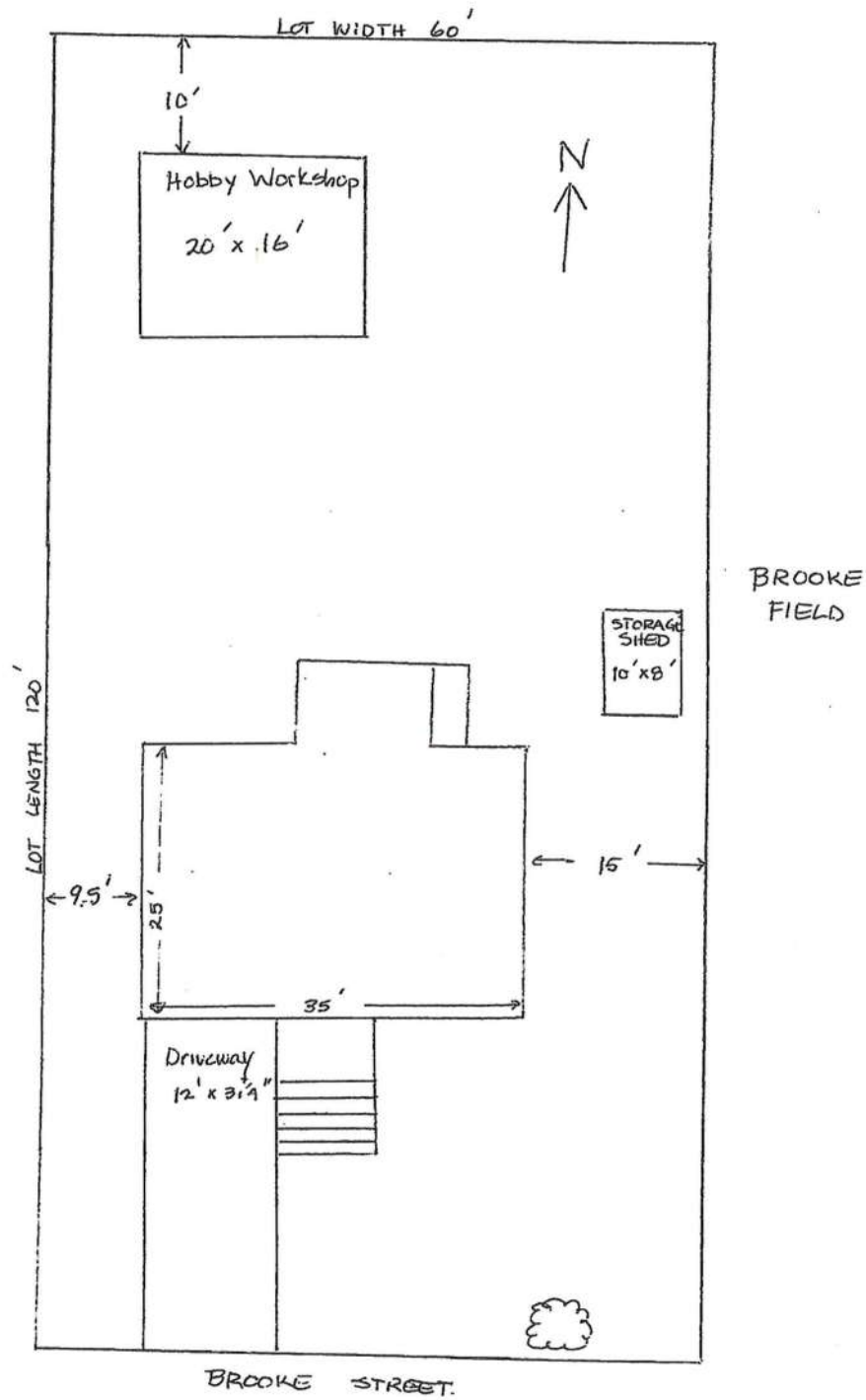


Once the garage door is replaced with a traditional door and window, the garage will no longer be available for parking, and in consultation with the City of Victoria staff, we were informed this would require additional off-street parking.

We have been informed that off-street parking must be put in place either alongside or behind our house.

As shown in the attached Figure 4, there is only 9.5 feet of clearance on the east side of our house directly adjacent to the existing driveway, which we have been informed is insufficient for off-street parking.

Figure 4: Space for Off-Street Parking



As shown above in Figure 4, on the west side of the house, adjacent to Brooke Street Park, there is over 10 feet of clearance. However, to develop this area for parking would require the removal of a tree on the City of Victoria boulevard as shown in Figure 5 below.

Figure 5: City of Victoria Tree on West Side of House



We own one car, and it is used sparingly (and insured as such with ICBC only for occasional use). My husband is retired, but is an avid cyclist. I work downtown, and walk to and from work daily. My son attends Victoria High School and walks to and from school daily. We have never used our garage to park the car – rather, the garage has always been used for storage. We park our car in the driveway leading to the underground garage. In addition, there is space for two vehicles in front of our house for on-street parking as shown in Figure 6.

Figure 6: View of Street Parking in Front of House from Front Window



Our home is located directly adjacent to Brooke Street Park, a neighbourhood park that is open on three sides, with parking along the entire perimeter. This park is used by our neighbours as a place to walk their dogs, for pickup football and other casual games. The park is used occasionally for little league baseball practice and Saturday morning soccer played by local children. At no time during these periods has the extensive parking areas surrounding the Brooke Street Park on three sides been full. In Figure 7 are pictures of the extensive parking around Brooke Street Park.

Figure 7: View of Parking Around Brooke Street Park



Diagonally opposite to the Brooke Street Park is the Robert J. Porter Park, which also has significant space for parking.

We have consulted with neighbours across, adjacent and behind our house, who have all indicated support for us to close in the garage, as they are aware we do not currently use our garage for parking, and hence this will not create additional demands on existing (ample) parking in front of our house, or around the adjacent Brooke Street Park.

REQUEST: *We respectfully request a variance from the City from the requirement for new off-street parking at 1435 Brooke Street:*

- *As a family which uses its single car irregularly and the car is parked in the driveway, we have no need for additional off-street parking*
- *Limitations to our lot (< 10 feet of clearance on the east side and City of Victoria tree blocking access to west side of the house) preclude the development of off-street parking.*
- *Visitors have significant access to parking in front of our house, around the three sides of the directly adjacent Brooke Street Park, or around two sides of the Robert J. Porter Park nearby.*

Sincerely,



Lisa Gow
1435 Brooke Street
Victoria, BC
V8S 1M4

Home: (250) 592-9173
Work: (250) 387-2672
Cell: (250) 514-6826

Dear Neighbor:

Re: Renovation, 1435 Brooke Street

Lisa and I are planning a renovation which involves removing our garage door and replacing it with an exterior door and a window. Our driveway would become our primary parking spot.

We have to apply for a variance in order to satisfy the city of Victoria parking requirements as we are not using the garage to park our car, and will now park in the driveway. We have never used the garage to park our car, but I am required to inform you of the change.

If you have any objections to our plans please let me know, otherwise please sign the letter at the bottom indicating that you agree to the change.

Thank you for your help.

Sincerely:

John and Lisa

I agree to the changes Lisa and John wish to make.

Please Print

ALAN J. CHARK

Signature

[Handwritten Signature]

1434 Brooke Street,
Victoria.

Dear Neighbor:

Re: Renovation, 1435 Brooke Street

Lisa and I are planning a renovation which involves removing our garage door and replacing it with an exterior door and a window. Our driveway would become our primary parking spot.

We have to apply for a variance in order to satisfy the city of Victoria parking requirements as we are not using the garage to park our car, and will now park in the driveway. We have never used the garage to park our car, but I am required to inform you of the change.

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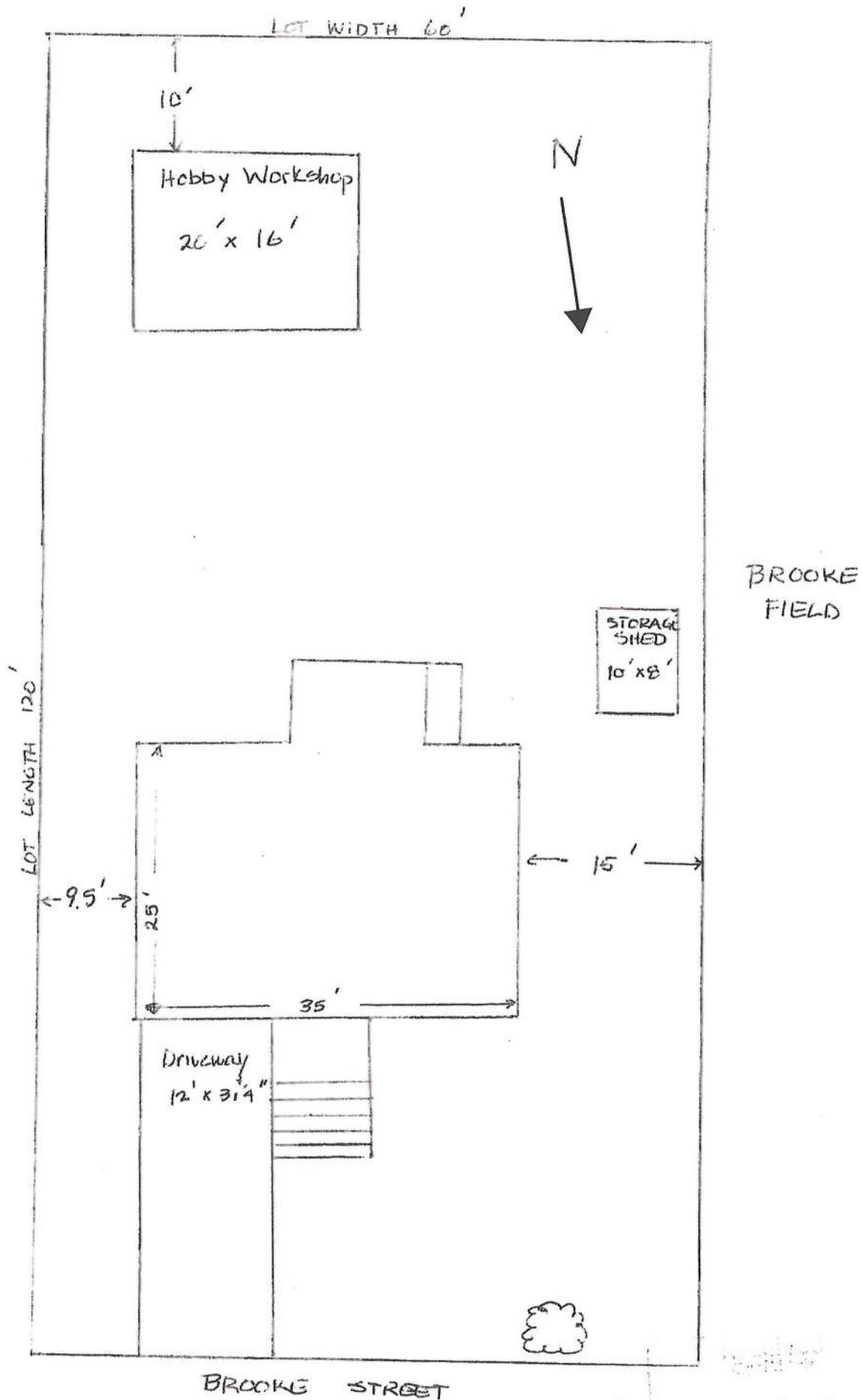
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ARLEN E GIBSON

Signature



1439 Brooke Street,
Victoria.



MAR 03 2005

This architectural floor plan depicts a two-story building with a central corridor. The building is oriented with North (N) at the top, as indicated by a compass rose. The plan shows various rooms, including a large room on the left labeled 'COMPT. B32F', a room on the right labeled 'STAFF', and a room at the bottom right labeled 'COMPT. B32F'. There are several windows, a staircase, and a chimney. The drawing is a technical sketch with lines and labels.

Scale 1:200

Overall dimensions: 11.0m x 7.6m

Rooms and dimensions:

- Front Porch: 1.2 x 1.0
- Living Room: 4.0 x 5.0
- Dining Room: 3.0 x 3.0
- Kitchen: 3.0 x 2.5
- Bathroom: 1.2 x 2.0
- Bedroom (Top): 3.0 x 3.0
- Bedroom (Bottom): 3.0 x 3.5
- Living Room: 4.0 x 5.0
- Dining Room: 3.0 x 3.0
- Kitchen: 3.0 x 2.5
- Bathroom: 1.2 x 2.0
- Bedroom (Top): 3.0 x 3.0
- Bedroom (Bottom): 3.0 x 3.5

Other features include a fireplace, a staircase, and a rear porch.

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